IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17972 of 2007

Dated: November 29, 2007

Between:

S. Mani, S/o. Subbanna, aged 27 years,
OCC: Painter, R/o. Voddumadi village,
Sivarampuram post, Shantipuram Mandal,
Chittoor District.

… Petitioner

And

The Superintendent of Police, Chittoor,
And another.

… Respondents

Order:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent, Superintendent of Police, Chittoor in not taking any action on the representation of the petitioner dated 01-08-2007, by which he requested to change the investigating officer in Cr.No.39/06 on the file of Police Station, Rallabuduguru, Chittoor District as illegal and arbitrary.

2. In the affidavit filed in support of the writ petition, it is stated that petitioner was falsely implicated in Cr.No.39/06 registered for the offence under Section 302 of the Indian Penal Code. It is the case of the petitioner that he is the only eyewitness to the occurrence of the said crime and though he made many representations to the respondents, including the representation dated 01-08-2007 to the first respondent, requesting to change the officer investigating into the crime, no action has been taken.

3. Respondent No.2, Inspector of Police, Palamaner Circle, Chittoor District, the investigating officer in the aforesaid crime, has filed a counter affidavit stating that during the course of investigation, 18 witnesses were examined and their statements were recorded and it is found that the petitioner is the accused in the said crime. It is stated that petitioner was arrested at Oddumadi village and on interrogation, the accused confessed to have committed theft of two pairs of gold ear studs from Sakunthala Devi and Rajamma. It is also stated that after investigation was completed, charge sheet was also filed as early as on 20-08-2007.

4. As much as charge sheet has already been filed, as early as on 20-08-2007, the question of considering the request of the petitioner to change the investigating officer at this stage does not arise. If the petitioner is of the view that he is innocent and is not involved in any crime, as alleged, it is for him to prove his innocence during the course of trial; however, no relief as sought for can be granted.

5. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 29, 2007
MRR